

**Freshfields Bruckhaus Deringer US LLP**

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*Attorneys for defendant Tensyr Limited*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION  
CORPORATION,**

Adv. Pro. No. 09-01789 (SMB)

Plaintiff-Applicant,

SIPA Liquidation

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the estate of Bernard L. Madoff,

Adv. Pro. No. 10-05353 (SMB)

Plaintiff,

v.

NATIXIS, NATIXIS CORPORATE &  
INVESTMENT BANK (f/k/a IXIS CORPORATE  
& INVESTMENT BANK), NATIXIS  
FINANCIAL PRODUCTS, INC., BLOOM  
ASSET HOLDINGS FUND, AND TENSYSR  
LIMITED,

Defendants.

**DECLARATION OF DAVID Y. LIVSHIZ IN SUPPORT OF TENSYSR LIMITED'S  
SUPPLEMENTARY REPLY MEMORANDUM OF LAW IN SUPPORT OF THE  
EXTRATERRITORIALITY DEFENDANTS' MOTION TO DISMISS, AND IN  
OPPOSITION TO TRUSTEE'S MOTION FOR LEAVE TO AMEND**

Pursuant to 28 U.S.C. § 1746, I, David Livshiz, declare the following:

1. I am an attorney licensed by the state of New York and admitted to practice before this Court. I am an attorney at Freshfields Bruckhaus Deringer US LLP representing Defendant Tensyr Limited (***Tensyr***).

2. I respectfully submit this declaration in support of Tensyr's Reply Supplemental Memorandum of Law In Support of the Extraterritoriality Defendants' Motion to Dismiss Based On Extraterritoriality.

3. This Declaration is based on my review of documents in the possession, custody, or control of my client, Tensyr; and of publicly available documents.

4. Attached as Exhibit A is a true and correct copy of Tensyr's Subscription Agreement, dated December 18, 2006.

5. Attached as Exhibit B is a true and correct copy of Fairfield Sentry Ltd. (in Liquidation) v. Migani, [2014] UKPC 9, a case decided by the Privy Council on April 16, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 30, 2015

FRESHFIELDS BRUCKHAUS DERINGER US LLP

By: /s/ David Y. Livshiz  
David Y. Livshiz, Esq.

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